

**Appendix E: Chart Summarizing Certain Arguments Regarding State Consumer Protection Statutory Claims
(Counts VI, VII, IX, X, XIV, XV, XVII, XVIII, XX-XXIV, XXVI, XXIX-XXXI,
XXXIII-XXXV, XXXVII, XXXVIII, XLI)**

Defendants' Motion to Dismiss and Memorandum of Law in Support present in full Defendants' arguments in dismissal of Plaintiffs' state consumer protection law claims. For the Court's convenience, the chart below provides supporting citations under each states' laws for those arguments. Counts VI, VII, IX, X, XIV, XV, XVII, XVIII, XX-XXIV, XXVI, XXIX-XXXI, XXXIII-XXXV, XXXVII, XXXVIII, and XLI fail for additional reasons not represented in the chart below, as set forth in Defendants' Motion to Dismiss.

Claim	Type of Injury Required	Causation Required?	Direct Consumer Interaction with Defendants Required?	Fails for Other Reasons
Alabama Deceptive Trade Practices Act Ala. Code §§ 8-19-1 <i>et seq.</i> (Count VI) <u>Plaintiff:</u> Christenson (¶ 17)	Actual damages. Ala. Code § 8-19-10; <i>Lynn v. Fort McClellan Credit Union</i> , No. 1:11-CV-2904, 2013 WL 5707372, at *6-7 (N.D. Ala. Oct. 21, 2013).	Yes. Ala. Code § 8-19-10(a).	Yes. Ala. Code § 8-19-3(4); <i>Univ. of Alabama Bd. of Trs. v. New Life Art, Inc.</i> , No. 7:05-CV-0585, 2005 WL 8160645, at *4 (N.D. Ala. Nov. 1, 2005).	Class actions prohibited. Ala. Code § 18-19-10(f).

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Alaska Unfair Trade Practices and Consumer Protection Act Alaska Stat. §§ 45.50.471, <i>et seq.</i> (Count VII)	Ascertainable loss of money or property. Alaska Stat. § 45.50.531; <i>Donahue v. Ledgends, Inc.</i> , 331 P.3d 342, 354 (Alaska 2014).	Yes. Alaska Stat. § 45.50.531; <i>Kirst v. Ottosen Propeller & Accessories, Inc.</i> , 784 F. App’x 980, 983 (9th Cir. 2019).	Yes. <i>Cornelison v. TIG Ins.</i> , 376 P.3d 1255, 1268-69 (Alaska 2016).	
<u>Plaintiff:</u> Dixon (¶ 19)				

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California Unfair Competition Law Cal. Bus. Code §§ 17200, <i>et seq.</i> (Count X) <u>Plaintiff:</u> Jackson (¶ 25)	Economic injury. <i>Joseph v. Nordstrom, Inc.</i> , No. 16-2252, 2016 WL 6917279, at *3 (C.D. Cal. June 17, 2016).	Yes. <i>Joseph v. Nordstrom, Inc.</i> , No. 16-2252, 2016 WL 6917279, at *3 (C.D. Cal. June 17, 2016).		Injunctive relief and restitution only. <i>Madrid v. Perot Sys. Corp.</i> , 130 Cal. App. 4th 440, 452 (Ct. App. 3d 2005).
Colorado Consumer Protection Act Colo. Rev. Stat. §§ 6-1-101 to 116 (Count XIV) <u>Plaintiff:</u> Dugan (¶ 27)	Actual damages. Colo. Rev. Stat. § 6-1-113(2)(a)(I).	Yes. <i>Rhino Linings USA, Inc. v. Rocky Mountain Rhino Lining, Inc.</i> , 62 P.3d 142, 147 (Colo. 2003).	Yes. Colo. Rev. Stat. § 6-1-113(1)(a); <i>Buyers of Ritz-Carlton Vail, LLC v. RCR Vail, LLC</i> , No. 11-cv-01789, 2013 WL 452204, at *6 (D. Colo. Feb. 6, 2013).	

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Connecticut Unfair Trade Practices Act Conn. Gen. Stat. §§ 42-110a, <i>et seq.</i> (Count XV)	Ascertainable loss of money or property. <i>Smith v. Wells Fargo Bank, N.A.</i> , 158 F. Supp. 3d 91, 100 (D. Conn. 2016).	Yes. <i>Smith v. Wells Fargo Bank, N.A.</i> , 158 F. Supp. 3d 91, 100 (D. Conn. 2016).		
<u>Plaintiff:</u> Mammad (¶ 29)				

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Illinois Consumer Fraud and Deceptive Business Practices Act 815 Ill. Comp. Stat. §§ 505, <i>et seq.</i> (Count XVIII) <u>Plaintiffs:</u> M.O. (¶ 47) Leffers (¶ 49)	Actual pecuniary loss. <i>In re SuperValu, Inc.</i> , 925 F.3d 955, 964 (8th Cir. 2019).		Yes. <i>Ramirez v. LexisNexis Risk Sols.</i> , 729 F. Supp. 3d 838, 846-48 (N.D. Ill 2024).	
Louisiana Unfair Trade Practices Act La. Rev. Stat. §§ 51:1405, <i>et seq.</i> (Count XX) <u>Plaintiff:</u> Bonier (¶ 62)	Ascertainable loss of money or movable property. La. Stat. Ann. § 51:1409; <i>Walker v. Dollar Tree Stores, Inc.</i> , 53,898, p. 7 (La. App. 2d Cir. 4/14/21), 316 So. 3d 585, 591.	Yes. La. Stat. Ann. § 51:1409; <i>Walker v. Dollar Tree Stores, Inc.</i> , 53,898, p. 7 (La. App. 2d Cir. 4/14/21), 316 So. 3d 585, 591.		Class actions are prohibited for damages. La. Stat. Ann. § 51:1409; <i>In re Ford Motor Co. F-150 & Ranger Truck Fuel Econ. Mktg. & Sales Pracs. Litig.</i> , No. 2:19-md-02901, 2022 WL 551221, at *19 (E.D. Mich. Feb. 23, 2022).

Claim	Type of Injury Required	Causation Required?	Direct Consumer Interaction with Defendants Required?	Fails for Other Reasons
Maine Unfair Trade Practices Act Me. Rev. Stat. tit. 5 §§ 502-A, <i>et seq.</i> (Count XXI) <u>Plaintiff:</u> Merrill (¶ 64)	Loss of money or property. Me. Rev. Stat. Ann. tit. 5, § 213; <i>Noveletsky v. Metro. Life Ins. Co.</i> , 49 F. Supp. 3d 123, 151 (D. Me. 2014).	Yes. Me. Rev. Stat. Ann. tit. 5, § 213; <i>Noveletsky v. Metro. Life Ins. Co.</i> , 49 F. Supp. 3d 123, 151 (D. Me. 2014).	Yes. <i>Noveletsky v. Metro. Life Ins. Co.</i> , 49 F. Supp. 3d 123, 151 (D. Me. 2014).	
Maryland Consumer Protection Act Md. Code Ann. Com. Law §§ 13-101, <i>et seq.</i> (Count XXII) <u>Plaintiff:</u> Seibert (¶ 66)	Actual injury. <i>Webb v. Carrington Mortg. Servs. LLC</i> , No. 24-1950, 2025 WL 213950, at *11 (D. Md. Jan. 16, 2025).	Yes. <i>Webb v. Carrington Mortg. Servs. LLC</i> , No. 24-1950, 2025 WL 213950, at *11 (D. Md. Jan. 16, 2025).	Yes. <i>Morris v. Osmose Wood Preserving</i> , 667 A.2d 624, 635 (Md. 1995).	

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<p>Massachusetts Consumer Protection Act Mass. Gen. Laws Ann. ch. 93A §§ 1, <i>et seq.</i> (Count XXIII)</p> <p><u>Plaintiff:</u> Paul (¶ 68)</p>	<p>Readily quantifiable loss of money or property, measurable emotional distress, or an invasion of the consumer's personal privacy causing injury or harm worth more than a penny. <i>Ferreira v. Sterling Jewelers, Inc.</i>, 130 F. Supp. 3d 471, 478 (D. Mass. 2015).</p>	<p>Yes. <i>Ferreira v. Sterling Jewelers, Inc.</i>, 130 F. Supp. 3d 471, 478 (D. Mass. 2015).</p>		<p>Pre-Suit Notice Required. Mass. Gen. Laws. Ann. ch. 93A § 9(3). <i>Rodi v. S. New Eng. Sch. of Law</i>, 389 F.3d 5, 19 (1st Cir. 2004).</p>
<p>Minnesota Uniform Deceptive Trade Practices Act Minn. Stat. § 325D.43 (Count XXIV)</p> <p><u>Plaintiffs:</u> Brooks (¶ 72) Powers (¶ 74) Allen (¶ 76)</p>	<p>Irreparable injury or threat of future harm. <i>Mekhail v. N. Memorial Health Care</i>, 726 F. Supp. 3d 916, 931-32 (D. Minn. 2024).</p>	<p>Yes. <i>Luckey v. Alside, Inc.</i>, 245 F. Supp. 3d 1080, 1096 (D. Minn. 2017).</p>		<p>Injunctive relief only. <i>Gardner v. First Am. Title Ins. Co.</i>, 296 F. Supp. 2d 1011, 1020 (D. Minn. 2003).</p>

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<p>New Hampshire Consumer Protection Act N.H. Rev. Stat. Ann. §§ 358-A:1, <i>et seq.</i> (Count XXVI)</p> <p><u>Plaintiff:</u> Rubera (¶ 90)</p>	<p>Personal harm. <i>Pagan v. Abbott Lab'ys, Inc.</i>, 287 F.R.D. 139, 149 (E.D.N.Y. 2012).</p>	<p>Yes. <i>Pagan v. Abbott Lab'ys, Inc.</i>, 287 F.R.D. 139, 149 (E.D.N.Y. 2012).</p>		
<p>New Mexico Unfair Practices Act N.M. Stat. §§ 57-12-10, <i>et seq.</i> (Count XXIX)</p> <p><u>Plaintiff:</u> Schiller (¶ 96)</p>	<p>Loss of money or property. N.M. Stat. § 57-12-10(B).</p>			

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New York General Business Law § 349 N.Y. Gen. Bus. Law § 349 (Count XXX) <p><u>Plaintiffs:</u> Korlou (¶ 98) Donadio (¶ 100)</p>	Actual injury. <i>Reyes v. Upfield US Inc.</i> , No. 22-CV-6722, 2025 WL 786656, at *7-9 (S.D.N.Y. Mar. 12, 2025).	Yes. <i>Fero v. Excellus Health Plan, Inc.</i> , 502 F. Supp. 3d 724, 738 (W.D.N.Y. 2020).	Yes (Act or Practice is Consumer-Oriented). <i>Josephson v. United Healthcare Corp.</i> , No. 11-CV-3665, 2012 WL 4511365, at *8 (E.D.N.Y. Sept. 28, 2012).	
North Carolina Unfair and Deceptive Trade Practices Act N.C. Gen. Stat. §§ 75.1.1, <i>et seq.</i> (Count XXXI) <p><u>Plaintiff:</u> Morgan (¶ 102)</p>	Actual injury. <i>Town of Belhaven, NC v. Pantego Creek, LLC</i> , 793 S.E.2d 711, 720 (N.C. Ct. App. 2016).	Yes. <i>Town of Belhaven, NC v. Pantego Creek, LLC</i> , 793 S.E.2d 711, 720 (N.C. Ct. App. 2016).	Yes. <i>Town of Belhaven, NC v. Pantego Creek, LLC</i> , 793 S.E.2d 711, 720 (N.C. Ct. App. 2016).	

Claim	Type of Injury Required	Causation Required?	Direct Consumer Interaction with Defendants Required?	Fails for Other Reasons
<p>Oregon Unlawful Trade Practices Act Or. Rev. Stat. §§ 646.608, <i>et seq.</i> (Count XXXIII)</p> <p><u>Plaintiff:</u> Lanier (¶ 112)</p>	<p>Ascertainable loss of money or property. Or. Rev. Stat. § 646.638; <i>Clark v. Eddie Bauer LLC</i>, 532 P.3d 880, 882 (Or. 2023).</p>	<p>Yes. Or. Rev. Stat. § 646.638; <i>Clark v. Eddie Bauer LLC</i>, 532 P.3d 880, 882 (Or. 2023).</p>		
<p>Rhode Island Deceptive Trade Practices Act R.I. Gen. Laws §§ 6-13.1-1, <i>et seq.</i> (Count XXXIV)</p> <p><u>Plaintiff:</u> Bussick (¶ 120)</p>	<p>Ascertainable loss of money or property. <i>Laccinole v. Appriss, Inc.</i>, 453 F. Supp. 3d 499, 506 (D.R.I. 2020).</p>	<p>Yes. <i>Laccinole v. Appriss, Inc.</i>, 453 F. Supp. 3d 499, 506 (D.R.I. 2020).</p>	<p>Yes. <i>Rhode Island Laborers' Health & Welfare Fund v. Philip Morris, Inc.</i>, 99 F. Supp. 2d 174, 188-89 (D.R.I. 2000).</p>	

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South Carolina Unfair Trade Practices Act S.C. Code § 39-5-20 (Count XXXV) <u>Plaintiff:</u> Tynch (¶ 122)	Monetary or property loss. S.C. Code § 39-5-140; <i>Gallipeau v. Renewal by Andersen LLC</i> , 742 F. Supp. 3d 508, 520 (D.S.C. 2024).	Yes. S.C. Code § 39-5-140; <i>Gallipeau v. Renewal by Andersen LLC</i> , 742 F. Supp. 3d 508, 520 (D.S.C. 2024).		Class actions are prohibited. S.C. Code § 39-5-140; <i>Fejzulai v. Sam's W., Inc.</i> , 205 F. Supp. 3d 723, 725 (D.S.C. 2016).
Vermont Consumer Protection Act Vt. Stat. Ann. tit. 9 §§ 2451, <i>et seq.</i> (Count XXXVII) <u>Plaintiff:</u> Agres (¶ 134)	Damages or injury. <i>Dernier v. Mortg. Network, Inc.</i> , 87 A.3d 465, 481-82 (Vt. 2013).	Yes. <i>Dernier v. Mortg. Network, Inc.</i> , 87 A.3d 465, 481 (Vt. 2013).	Yes. <i>Lafayette v. Blueprint Basketball, Inc.</i> , No. 24-AP-127, 2024 WL 4471988, at *2 (Vt. Oct. 11, 2024).	

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Washington Consumer Protection Act Wash. Rev. Code §§ 19.86.020, <i>et seq.</i> (Count XXXVIII) <u>Plaintiff:</u> Ivory (¶ 138)	Injury to a person's business or property. <i>Braden v. Tornier, Inc.</i> , No. C09-5529, 2009 WL 3188075, at *4 (W.D. Wash. Sept. 30, 2009).	Yes. <i>Braden v. Tornier, Inc.</i> , No. C09-5529, 2009 WL 3188075, at *4 (W.D. Wash. Sept. 30, 2009).		
Wyoming Consumer Protection Act Wyo. Stat. Ann. § 40-12-101 (Count XLI) <u>Plaintiff:</u> Fossen (¶ 146)	Actual damages. <i>Broderick v. Dairyland Ins. Co.</i> , 270 P.3d 684, 692 (Wyo. 2012).	Yes. <i>Broderick v. Dairyland Ins. Co.</i> , 270 P.3d 684, 692 (Wyo. 2012).	Yes. <i>Dellos Farms, Inc. v. Sec. State Bank</i> , 516 P.3d 846, 849 (Wyo. 2022).	Pre-Suit Notice Required. Wyo. Stat. Ann. § 40-12-109; <i>In re Pharm. Indus. Average Wholesale Price Litig.</i> , 230 F.R.D. 61, 84-85 (D. Mass. 2005).